

**3977. Adulteration of frozen strawberries. U. S. v. 57 Barrels of Strawberries. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 7986. Sample Nos. 92121-E, 14301-F.)**

This product contained moldy and decomposed berries.

On July 23, 1942, the United States attorney for the Southern District of California filed a libel against 57 barrels, each barrel containing 50 gallons of frozen strawberries at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 27 and 28, 1942, by S. A. Moffett Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 29, 1942, S. A. Moffett, doing business under the name of S. A. Moffett Co. of Seattle, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

#### DRIED FRUITS

**3978. Adulteration of apple chops. U. S. v. 664 Bags of Apple Chops. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 7577. Sample No. 94537-E.)**

This product had been stored after shipment under insanitary conditions and when examined the majority of the bags on the outside had been cut by rodents and the contents had spilled onto the floor and were contaminated with rodent pellets and animal hairs resembling rodent hairs.

On May 28, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 664 bags of apple chops in possession of the Mound City Ice & Cold Storage Co., St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 9, 1942, from Yakima, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On June 23, 1942, the Washington Dehydrated Food Co., Yakima, Wash., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be sorted under the supervision of the Federal Security Agency and that the unfit portion be destroyed.

**3979. Adulteration of dried fruits. U. S. v. 24 Boxes of Dried Figs (and 6 additional seizure actions against dried fruits). Default decrees of condemnation and destruction. (F. D. C. Nos. 6963, 7088, 7089, 8117, 8118, 8277, 8501. Sample Nos. 83714-E, 83715-E, 85631-E, 13213-F, 14252-F to 14254-F, inc., 28510-F, 28511-F.)**

The figs, raisins, and portions of the prunes were insect-infested; portions of the prunes were fermented or decomposed; the apricots were insect-infested and moldy.

Between February 28 and October 7, 1942, the United States attorneys for the Western District of Washington, Eastern District of Louisiana, Northern District of Georgia, and District of Arizona filed libels against 24 25-pound boxes of dried figs and 90 24-pound cases of dried prunes at Tacoma, Wash., 160 25-pound cases of prunes and 24 25-pound cases of apricots at New Orleans, La., 15 25-pound boxes of prunes and 32 25-pound boxes of raisins at Atlanta, Ga., and 39 25-pound cases of prunes at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about March 13, 1941, to on or about May 7, 1942, by Rosenberg Bros. & Co. from Oakland, San Francisco, and Fresno, Calif.; and charging that they were adulterated. The articles were labeled in part: "Stadium Brand California Dried Black Figs"; "Jubilee Brand California Dried Standard Apricots"; "Ensign Brand Santa Clara Imperial Prunes"; "Iris Brand California Prunes"; "Jobbers Special Brand California Thompson Seedless Raisins"; or "Morning Star [or "Purity"] Brand California \* \* \* Prunes."

The figs, raisins, and portions of the prunes were alleged to be adulterated in that they consisted in whole or in part of filthy substances. One lot of prunes was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remainder of the prunes and the apricots were alleged to

be adulterated in that they consisted in whole or in part of filthy and decomposed substances.

Between June 8 and November 16, 1942, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**3980. Adulteration of dried prunes. U. S. v. 145 Bags of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 7766. Sample No. 86781-E.)**

This product was insect-infested.

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 145 bags, each containing approximately 10 pounds, of dried prunes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 30, 1941, by Dried Fruit Distributors of California, from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3981. Adulteration of raisins. U. S. v. 73 Cases of Seedless Raisins. Consent decree of condemnation and destruction. (F. D. C. No. 7949. Sample No. 17813-F.)**

This product was insect-infested.

On July 21, 1942, the United States attorney for the District of New Jersey filed a libel against 73 cases of seedless raisins at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about November 12, 1941, by Enoch Packing Co., from Del Rey, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Air Port Brand Choice Recleaned Thompson Seedless Raisins."

On August 3, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**OTHER FRUIT AND VEGETABLE PRODUCTS**

**3982. Adulteration of fruit products. U. S. v. Henry Laber (Citrus Fruit Specialties Co. and Bakers Food Products Co.). Plea of guilty. Fine, \$2,500. (F. D. C. No. 7265. Sample Nos. 50354-E, 50355-E, 59081-E, 80042-E, 80043-E, 80044-E.)**

These products contained rodent hairs, insects and insect fragments, larvae and larvae fragments, and miscellaneous filth.

On July 3, 1942, the United States attorney for the Southern District of New York filed an information against Henry Laber, trading as Citrus Fruit Specialties Co. and as Bakers Food Products Co., New York, N. Y., alleging shipment within the period from on or about October 31, 1941, to on or about November 14, 1941, from the State of New York into the States of Maryland and Ohio of quantities of fruit products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth. The article was labeled in part: "Mixed Diced Fruit"; "Diced Orange"; "Diced Fruit Red"; or "Double Chopper Orange [or "Lemon" or "Grapefruit"] Peel."

On July 17, 1942, the defendant entered a plea of not guilty and on December 15, 1942, the plea was changed to guilty and the court imposed a total fine of \$2,500.

**3983. Misbranding of jellies and marmalade. U. S. v. 7 Cases of Currant Jelly, 6 Cases of Grape Jelly, and 6 Cases and 5 Cases of Orange Marmalade. Default decree of condemnation. Products ordered delivered to a charitable institution. (F. D. C. No. 7149. Sample Nos. 84348-E to 84351-E, incl.)**

The currant jelly was an artificially colored jelly containing only small amounts of fruit juice, and simulating currant jelly in odor and taste. The orange marmalade contained no orange juice, a normal ingredient of orange marmalade, and did contain phosphoric acid and an artificial coal-tar color which were not declared in the list of ingredients. The grape jelly simulated grape jelly in appearance and odor, and contained phosphoric acid which was not declared in the list of ingredients.

On April 7, 1942, the United States attorney for the District of New Jersey filed a libel against 7 cases of currant jelly, 6 cases of grape jelly, and 11 cases of orange marmalade at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about February 11 and 26, 1942, by the Well Maid